

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CHARLES LANGONE, as FUND MANAGER  
of the NEW ENGLAND TEAMSTERS AND  
TRUCKING INDUSTRY PENSION FUND

Plaintiff,

v.

MARK EQUIPMENT CORPORATION

Defendant,

C.A. No. 05-10369 JLT

**POST-JUDGMENT MOTION FOR APPROVAL OF  
TRUSTEE PROCESS TO ATTACH BANK ACCOUNTS EX PARTE**

Now comes the Plaintiff in the above-entitled matter and moves for ex parte approval of trustee process to attach the goods, effects, or credits of the Defendant in the amount of \$40,744.30, now in the hands and possession of the Rockland Trust, Rockland, MA.

A judgment was entered in the above referenced case on July 5, 2005 in the amount of \$40,744.30. (See attached as Exhibit A). The Plaintiff "may properly seek Trustee Process in accordance with Massachusetts State rules by Motion Post Judgment without the necessity of instituting a new action on the judgment." Commercial Printers of Connecticut, Inc. v. Letter-Men Publishing Co., United States District Court, District of Massachusetts, Civil Action No. 86-3485-2WD (Collins, U.S. Magistrate, May 5, 1988).

Dated: November 21, 2005

Renee J. Bushey  
BBO #629444  
FEINBERG, CAMPBELL & ZACK, PC  
177 Milk Street  
Boston, MA 02109  
(617) 338-1976

/S/ Renee J. Bushey  
Attorney for Plaintiff,  
Charles Langone, Fund Manager

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CHARLES LANGONE, as FUND MANAGER )  
of the NEW ENGLAND TEAMSTERS AND )  
TRUCKING INDUSTRY PENSION FUND )

Plaintiff, )

v. )

MARK EQUIPMENT CORPORATION )

Defendant, )

C.A. No. 05-10369 JLT

JUDGMENT

A default has been entered against Mark Equipment Corporation May 11, 2005, for failing to answer or otherwise defend.

Now, upon application and Declaration of Plaintiff demonstrating that Defendant owes Plaintiff the sum of \$29,971.51 in actual and estimated delinquent contributions for the months of July 2004 through present and July 2004 and February through present, interest in the amount of \$637.10, liquidated damages in the sum of \$5,994.30, and attorneys' fees and costs in the sum of \$4,141.39, and that Defendant is not an infant or incompetent person or in the military service of the United States, it is hereby:

ORDERED, ADJUDGED AND DECREED that Plaintiff recover from Mark Equipment Corporation the sum of \$40,744.30. Plaintiff maintains its right to audit the payroll records of defendant and seek additional contributions, which may be owed pursuant to that audit.

Dated: \_\_\_\_\_

7/5/05

 J. I. Tan  
Deputy Clerk

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CHARLES LANGONE, as FUND MANAGER	)	
of the NEW ENGLAND TEAMSTERS AND	)	
TRUCKING INDUSTRY PENSION FUND	)	
	)	
Plaintiff,	)	
	)	C.A. No. 05-10369 JLT
v.	)	
	)	
MARK EQUIPMENT CORPORATION	)	
	)	
Defendant,	)	
	)	

**ORDER OF APPROVAL OF EX PARTE  
ATTACHMENT ON TRUSTEE PROCESS**

This cause came on to be heard upon an ex parte motion for an order of approval of attachment on trustee process, and upon consideration thereof, a judgment having been entered against the defendant by this court on July 5, 2005 in the amount of \$40,744.30, and such amount being over and above any liability insurance known or reasonably believed to be available, the court hereby finds that there is a clear danger that the defendant, if notified in advance of the attachment on trustee process, will withdraw the goods, effects or credits from the hands and possession of the trustee and remove them from the Commonwealth or will conceal them.

WHEREUPON the court hereby approves attachment on trustee process in the amount of \$40,744.30, subject to all applicable exemptions and limitations provided by law.

\_\_\_\_\_  
(Special) Justice

\_\_\_\_\_  
(Date)

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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CHARLES LANGONE, as FUND MANAGER )  
of the NEW ENGLAND TEAMSTERS AND )  
TRUCKING INDUSTRY PENSION FUND )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MARK EQUIPMENT CORPORATION )  
 )  
Defendant, )  
 )  
and )  
 )  
ROCKLAND TRUST )  
 )  
Trustee )  

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C.A. No. 05-10369 JLT

**SUMMONS TO TRUSTEE**

To the above-named Trustee:

You are hereby summoned and required to file, within 20 days after service of this summons upon you, exclusive of the day of service, a disclosure under oath of what goods, effects or credits, if any, of the defendant Mark Equipment Corporation, 126 Old Page Street, Stoughton, MA 02072, are in your hands or possession at the time of the service of this summons upon you which may be taken on execution as the plaintiff New England Teamsters and Trucking Industry Pension Fund of One Wall Street., Burlington, MA, whose attorney is Renee J. Bushey, Esq., of Feinberg, Campbell & Zack, P.C. may recover pursuant to a judgment entered against said defendant in the U.S. District Court for the district of MA, to the value of \$40,744.30. Such goods, effects, or credits are hereby attached. If you do not do so, judgment by default will be taken against you and you will be adjudged trustee as alleged.

If you are a trust company, savings bank, cooperative bank, credit union, national banking association, or any other banking institution doing business in the Commonwealth, and if the credits of the said defendant in your hands include an account or accounts in the name of any natural person, you are hereby notified that pursuant to Massachusetts General Laws, c. 246 § 28A, \$500 owned by the said defendant (if a natural person) are exempt from this attachment (a joint account to be treated for this purpose as if each depositor owned one-half of the amount thereof). No business, trust or organization shall be entitled to this exemption, and no natural person shall be entitled to more than a \$500 exemption at any one time.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Clerk of Court)

PROOF OF SERVICE ON TRUSTEE

I hereby certify and return that on \_\_\_\_\_,  
I served a copy of the within summons upon the within named trustee, in the following manner:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name and title)

\_\_\_\_\_  
(Address)